

PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/746660-Conf. #1463
	Filing Date	December 22, 2000
	First Named Inventor	Markus POMPEJUS
	Art Unit	1635
	Examiner Name	Zara, Jane J.
Total Number of Pages in This Submission	Attorney Docket Number	BGI-121CP2

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition To Correct Priority Claim Under 37 C.F.R. §1.78(A)(3); Supplemental Amendment; Supplemental Application Data Sheet; Return Receipt Postcard
Remarks		

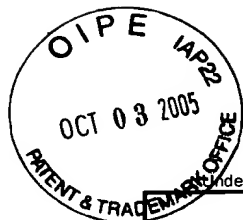
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Maria Laccotripe Zacharakis, Ph.D., J.D.		
Date	October 3, 2005	Reg. No.	56,266

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 913 978 381 US, in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 3, 2005

Signature: (Maria Laccotripe Zacharakis, Ph.D., J.D.)



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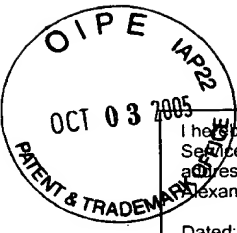
Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/746660-Conf. #1463
TOTAL AMOUNT OF PAYMENT		Filing Date	December 22, 2000
(\$)		First Named Inventor	Markus POMPEJUS
1,370.00		Examiner Name	Zara, Jane J.
		Art Unit	1635
		Attorney Docket No.	BGI-121CP2

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 12-0080
	Deposit Account Name: Lahive & Cockfield, LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
						Small Entity	
						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
_____		_____	x _____	= _____	Fee (\$)		Fee Paid (\$)
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
_____		_____	x _____	= _____			
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
_____	_____	/50 _____ (round up to a whole number) x _____		= _____			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$)	
Other (e.g., late filing surcharge): 1454 Acceptance of an unintentionally delayed claim...						1,370.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	56,266
Name (Print/Type)	Maria Laccotripe Zacharakis, Ph.D., J.D.	Telephone	(617) 227-7400
		Date	October 3, 2005

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10-04-05

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JPW

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Dated: October 3, 2005 Signature: *Maria Laccotripe Zacharakis*
(Maria Laccotripe Zacharakis, Ph.D., J.D.)

Docket No.: BGI-121CP2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Markus Pompejus *et al.*

Application No.: 09/746,660

Confirmation No.: 1463

Filed: December 22, 2000

Art Unit: 1635

For: *Corynebacterium glutamicum Genes Encoding Metabolic Pathway Proteins*

Examiner: Zara, Jane

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO CORRECT PRIORITY CLAIM
UNDER 37 C.F.R. §1.78(A)(3)

Dear Sir:

Pursuant to 37 C.F.R. §1.78(A)(3), Applicants hereby petition the Commissioner to correct the priority claim for the above-identified application.

In support of this petition, Applicants respectfully submit the following:

1. The application has been amended, by the Supplemental Amendment submitted herewith, to contain the appropriate reference to each of the prior filed applications to which the above-identified application claims priority, in accordance with 37 C.F.R. §1.78(a)(3)(i) and 1.78(a)(2).
2. The fee as set forth in 37 C.F.R. §1.78(a)(3)(i) and §1.17(t) is submitted herewith.
3. The entire delay between the date the priority claim was due under 37 C.F.R. §1.78(a)(3)(ii) and the present submission was unintentional.

Docket No.: BGI-121CP2


Application No.: 09/746,660

In view of the foregoing, Applicants respectfully request correction of the priority claim.

The Commissioner is hereby authorized to charge the prescribed fee under 37 C.F.R. § 1.17(t) to our Deposit Account No. 12-0080 under Order No. BGI-121CP2. Please charge any additional fees or credit any overpayments associated with this communication (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080.

Respectfully submitted,

Dated: October 3, 2005

By 
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